

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

May 6, 2015

The North Ogden Planning Commission convened in a regular meeting on May 6, 2015 at 6:30 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on May 1, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Blake Knight	Commissioner
Brandon Mason	Commissioner (excused)
Steven Prsbrey	Commissioner
Dee Russell	Commissioner

STAFF:

Jon Call	City Attorney
Stacie Cain	Deputy City Recorder
Brian Smith	City Planner
Gary Kerr	Building Official

VISITORS:

Doyle Obray	John Hansen	Mark Koehler
Chase Obray	Ken Crockett	

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:33 p.m. Vice-Chairman Waite offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE APRIL 1, 2015 PLANNING COMMISSION MEETING MINUTES**

2. CONSIDERATION TO APPROVE THE APRIL 15, 2015 PLANNING COMMISSION MEETING MINUTES

Vice-Chairman Waite made a motion to approve the consent agenda. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Boy Scout Chase Obray, 3250 N. 833 E., stated he is working on a merit badge. Chairman Thomas provided a brief overview of the rules and order of procedure for a Planning Commission meeting and the reason minutes are kept as a record of a meeting.

2. PUBLIC HEARING TO RECEIVE COMMENTS TO CONSIDER AMENDMENTS TO 11-22-12, POLITICAL AND IDEOLOGICAL SIGNS

Commissioner Barker made a motion to open the public hearing to receive comments to consider amendments to 11-22-12, Political and Ideological Signs. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The public hearing opened at 6:37 p.m. There were no persons appearing to be heard.

Vice-Chairman Waite made a motion to close the public hearing to receive comments to consider amendments to 11-22-12, Political and Ideological Signs. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The public hearing closed at 6:38 p.m.

3. DISCUSSION AND/OR RECOMMENDATION TO CONSIDER AN ORDINANCE AMENDING 11-22-12, POLITICAL AND IDEOLOGICAL SIGNS

A staff memo from City Planner Brian Smith explained when the City Council is acting in a legislative capacity the Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision related to a legislative matter requires compatibility with the General Plan and existing codes. Staff has been requested to provide options on amending the political sign provisions of the zoning ordinance. The City Council held a work session on March 31, 2015 and identified the need for revisions to the temporary sign provisions dealing with political signs and campaign signs. The Planning Commission reviewed the City Council direction and provided additional direction on April 15, 2015. Staff has developed an ordinance amendment based on this direction. The North Ogden City Zoning Ordinance is found in 11-22-12 Political and Ideological Signs. The ordinance provides standards for all residential zones in one subsection and the RE-20 zone and commercial and manufacturing zones in another. Typical standards for height, area, aggregate square footage are not allowed to project into the right of way, and a removal standard are included. In addition to signs already permitted, political signs may be located within the following parameters:

1. HP-3, HP-2, HP-1, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4 zoning districts:
 - a. Shall not be over four and one-half feet (4½') in height.
 - b. No sign shall exceed six (6) square feet.

- c. The aggregate square footage of such signs shall not exceed twenty four feet (24') on any lot or parcel.
 - d. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 - e. Political signs shall be removed within five (5) days after the election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.
2. RE-20, C-1, CP-1, CP-2, C-2 and MP-1 zoning districts:
- a. Shall not be over four and one-half feet (4½ ') in height.
 - b. Shall not exceed eight feet (8') in width.
 - c. The aggregate square foot of such signs shall not exceed thirty two feet (32') on any lot or parcel.
 - d. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 - e. Political signs, not otherwise permitted as commercial signs, shall be removed within five (5) days after said election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.

Adopted by Ord. 2002-05 on 4/9/2002

The memo summarized options available to the Planning Commission, noting the attached amendment has the following changes:

- The ability to regulate political signs is bound by the free speech amendment. Add a provision in the purpose statement stating that free speech is a key component of all sign regulations, "It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.
- Provide definitions for political signs, campaign signs, and a revised temporary sign definition that includes metal as an allowed material for real estate signs.
- Adds standards for temporary signs for setbacks and site triangles.
- Off premise temporary signs are not allowed.
- Temporary signs may not project into the public right of way or an adjoining property.
- Clarifies the display periods for putting up and removal.
- Provide for a maximum number of signs per property.
- Clarifies whether permits are required
- The RE-20 zone has the same standards as commercial and manufacturing zones.

The applicable General Plan provision is:
Community Aesthetics

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

The memo provided the following summary of potential Planning Commission considerations:

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Are the proposed amendments appropriate?

The memo concluded staff's recommendation is that the Planning Commission take input at the public hearing regarding the temporary sign provisions and make a recommendation to the City Council.

Mr. Smith reviewed his staff memo.

The Planning Commission had a brief discussion regarding the maximum size of sign allowed as well as the distance from the road that a sign must be located, with Chairman Thomas clarifying that the ordinance strictly deals with political and ideological signs, not all temporary signs such as real estate signs. Chairman Thomas also asked Building Official Kerr if he feels the ordinance is easily enforced, to which Mr. Kerr answered no. Chairman Thomas noted that each political candidate of the City, upon submitting their declaration of candidacy, will be provided with a copy of the sign regulations and they will also be required to provide contact information for the person responsible for their signs so that staff can contact them in the event of a violation of the ordinance.

Commissioner Russell made a motion to forward a positive recommendation to the City Council to consider an ordinance amending 11-22-12 of the North Ogden City Code, Political and Ideological Signs. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

4. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE VISITOR PARKING STANDARDS FOR MULTIPLE DWELLING UNITS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENTS (PRUD) AND GROUP DWELLINGS

A staff memo from City Planner Scott explained when the Planning Commission is acting in a legislative capacity it has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The Ranches PRUD project is short 33 visitor parking stalls. The applicant is requesting that the standards for visitor parking in PRUDs be modified to provide flexibility to count on street parking as part of the visitor parking calculation. Similar standards are found in the Group Dwelling chapter and these standards should also be looked at. The purpose of tonight's discussion is to look at options for providing flexibility to the visitor parking standards and to have the Planning Commission give direction on a possible amendment. Staff will draft the ordinance based upon the Planning Commission's direction and set a public hearing. The context that this amendment should first be looked at is the purpose statement for PRUDs. The Group Dwelling purpose statement is similar in its scope and intent.

11-11-1 Purpose: The purpose statement for planned residential unit developments identifies that "flexibility in development standards for creative design" along with "specific requirements to ensure surrounding properties and natural features are protected."

A. The purpose of the planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.

B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open space, diversity of lot design, residential use and amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

The parking standards are found for PRUDs in 11-11-5 E Parking Regulations and for Group Dwellings in 11-12-4 F Parking Regulations.

11-11-5: MINIMUM DEVELOPMENT REQUIREMENTS

E. Parking Regulations:

6. Two (2) parking stalls for each unit in the development are required...
7. There shall be at least one visitor parking stall for every two (2) units or fraction thereof in multi-family unit areas of the PRUD.
8. All required parking stalls must be non-tandem.

11-12-4: MINIMUM STANDARDS

F. Parking Regulations:

6. Two (2) parking stalls for each unit in the development are required...
7. There shall be at least one visitor parking stall for every two (2) units or fraction thereof.
8. All required parking stalls must be non-tandem.

The purpose of parking requirements is to provide for the safety and functionality of each development. If there isn't sufficient parking then the functionality of the project is compromised. The following is the purpose statement for the parking chapter.

11-17-1: PURPOSE AND INTENT The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and, in so doing, promote the safety and well-being of the citizens of the city. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off street parking space with adequate provisions for ingress and egress by standard sized automobiles. There are four options that Staff has identified as part of our research, i.e., allow tandem parking, allow some on-street parking, or utilize a traffic analysis to establish compliance with the visitor parking requirement. Any one or a combination of these options could be made to be reasonable in meeting the parking purpose statement.

Tandem Option

- Allow tandem parking as long as it is for the same unit.
- Require that one of the tandem spaces be covered.
- Require any tandem parking pad to meet a size requirement, e.g., 10 feet wide by 20 feet in depth.

This option would allow tandem parking stalls to be used as visitor stalls in meeting the parking requirement. Practically, this is what occurs when visitors come. The above standards would insure that the parking space is of adequate size so that cars will not be parked across sidewalks, it can't be used by other than the same unit, and one of the stalls would be covered.

On-street Option

- Allow some on-street parking to count toward the visitor parking requirement.

This option would allow on-street parking to be used in the parking calculation. Again, practically speaking on-street parking is used by visitors albeit not as convenient. The city already has standards for not allowing overnight on-street parking.

Formula Option

- Lower the amount of visitor parking required from 1 space per two units to 1 space for 4 units.

This option would lessen the visitor parking standard in half. It would still not solve The Ranches deficit. Many cities are reducing standards in general; however, this option should be examined at a later time.

Parking Analysis Option

- Allow the zoning administrator to review a parking analysis provided by the applicant demonstrating the suitability of the number of parking stalls.

This option would require the applicant to provide a parking study demonstrating the adequacy of the parking for the project. It would require an additional expense and possibly be overkill to provide this information.

The General Plan calls for “All development in the community should be built on land suitable for the intended use.” “All existing and new development should be required to fairly and uniformly provide improvements according to city standards.” Zoning Ordinance suggested improvements for the North Ogden City Zoning Ordinance include the following.

1. Update the Zoning Ordinance to allow for a variety of current housing types.
 - a. Housing: A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.

The memo offered the following summary of potential Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Is the flexibility of design for an amended visitor parking standard appropriate?
- What standard does the Planning Commission want to pursue?

The memo concluded this is a policy decision; the General Plan calls for a diversity of housing types while maintaining quality development. If the Planning Commission determines that an amendment to the visitor parking standards is appropriate then the Planning Commission should give direction as to which standard they are comfortable with. Staff will draft the appropriate ordinance and schedule it for a public hearing.

City Planner Smith reviewed the staff memo.

Commissioner Knight indicated the Planning Commission addressed the conditional use permit (CUP) for this development in April and approval of the CUP was ultimately given, with a condition that the CUP comply with the parking provisions included in the ordinance. He stated he is concerned that this issue is being revisited just one month later. Mr. Smith stated that as staff has worked to verify plans and review the site plan, the parking requirements were examined and there is a parking deficit. Vice-Chairman Waite stated that the Planning Commission knew there was a deficit when the site plan was approved. Commissioner Russell agreed, but noted the Planning Commission did not understand the magnitude of that deficit. The Commission discussed the difference between the original CUP approval and the new proposal to allow different parking standards at the development, with a focus on the need for tandem parking as well as visitor parking within this type of development. Commissioner Knight stated he would prefer that the Planning Commission not amend the City’s parking ordinance, but he would be willing to consider a specific proposal that would only impact the parking within the subject development. He asked if the developer may be eligible for a variance for this issue. City Attorney Call stated the project would not qualify for a variance because the situation does not meet the criteria that must be met in order to grant a variance. He discussed options for the Planning Commission to consider, such as the developer offering specific concessions as a trade-off for parking requirement adjustments. Chairman Thomas stated he is comfortable considering a proposal that would only impact the subject development, but noted there are several properties that could develop in a similar manner in the future and they will

likely face parking issues as well. He stated the Planning Commission will need to consider this issue again in the future. This led to a Planning Commission discussion regarding appropriate amendments to the City's parking ordinance, specifically relating to tandem parking and on-street visitor parking.

Ken Crockett, Developer of The Ranches, stated that he has designed his townhome development with two-car garages for each unit and residents must use their garages for vehicle parking rather than storage per their lease. He added that he was planning to count the two spaces outside of each garage as parking spaces and he felt he exceeded the City's parking requirements. He was surprised to learn that he did not meet the parking requirements and has indicated to staff that he would be willing to eliminate driveways and create parking lots, which would meet the parking requirements, but that would deter from the attractiveness of the development.

Vice-Chairman Waite inquired as to the depth of the unit driveways, to which Mr. Crockett responded 20 feet. Commissioner Knight stated he does not object to including the parking area on the driveways in the overall parking calculation. Mr. Crockett stated that will equate to 160 parking stalls, which exceeds the City's parking requirements. Discussion of the overall parking plan for the development continued, with Mr. Call noting staff is comfortable counting the driveway parking towards the parking calculation, but their hands were tied by the technical language in the City's parking ordinance. The Planning Commission ultimately concluded it is appropriate to proceed with the process to consider an ordinance amendment to allow parking space in a driveway, or tandem parking, to be included in the overall parking calculation in conjunction with a reduction of visitor parking – one visitor stall for every four units – within developments. In order to qualify, a tandem parking space would need to be 10 feet by 20 feet in size without impeding the sidewalk in a development. Tandem parking could only count as 70 percent of required visitor parking.

5. PUBLIC COMMENTS

Chairman Thomas asked the senior patrol leader of a present Boy Scout Troop to introduce himself. Alex from Troop 417 approached the Planning Commission and stated he is a first class Boy Scout; his troop is present to work towards their citizenship in the community merit badge.

6. PLANNING COMMISSION/STAFF COMMENTS

Vice-Chairman Waite asked for an update regarding the redevelopment of the old Smith's building. Mr. Call noted that original redevelopment plans have been amended; Smith's has indicated they need additional parking space for their new store and will demolish a portion of the old building. He stated additional information regarding redevelopment of the old building will be available soon.

Chairman Thomas provided a report regarding the recent progress of the General Plan Steering Committee (GPSC), noting the next open house meeting will be held May 20.

7. ADJOURNMENT

Commissioner Knight made a motion to adjourn the meeting. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 7:30 p.m.

Planning Commission Chair

Stacie Cain,
Deputy City Recorder

Date approved